

UNITED STATES DISTRICT COURT

for the

District of New Jersey

____ Division

KAYLA A. DATTOMA

Case No.

3:18-CV-12392 - BRM-TJB

(to be filled in by the Clerk's Office)

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

WAL-MART

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Jury Trial: (check one)

☐ Yes☒ No

COMPLAINT FOR EMPLOYMENT DISCRIMINATION

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

KAYLA A. DATTOMA

Street Address

74 PERRYVILLE ROAD

City and County

PITTSBURY, HUNTERDON COUNTY

State and Zip Code

NEW JERSEY 08867

Telephone Number

E-mail Address

KAYLA.DATTOMA@ICLOUD.COM

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name	WALMART
Job or Title <i>(if known)</i>	CORPORATION
Street Address	702 S.W. Eighth Street
City and County	Bentonville
State and Zip Code	ARKANSAS 72716
Telephone Number	1-800-331-0085
E-mail Address <i>(if known)</i>	

Defendant No. 2

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

Defendant No. 3

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

Defendant No. 4

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

C. Place of Employment

The address at which I sought employment or was employed by the defendant(s) is

Name	WALMART#2582
Street Address	ROUTE 513 AND I-78
City and County	CLINTON, HUNTERDON COUNTY
State and Zip Code	NEW JERSEY 08809
Telephone Number	

II. Basis for Jurisdiction

This action is brought for discrimination in employment pursuant to *(check all that apply)*:



Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

(Note: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)



Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 to 634.

(Note: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.)



Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 to 12117.

(Note: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)



Other federal law *(specify the federal law)*:

RETALIATION



Relevant state law *(specify, if known)*:



Relevant city or county law *(specify, if known)*:

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. The discriminatory conduct of which I complain in this action includes *(check all that apply)*:

- ☐ Failure to hire me.
- ☐ Termination of my employment.
- ☐ Failure to promote me.
- ☒ Failure to accommodate my disability.
- ☒ Unequal terms and conditions of my employment.
- ☒ Retaliation.
- ☐ Other acts *(specify)*: _____

(Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.)

B. It is my best recollection that the alleged discriminatory acts occurred on date(s)
DECEMBER 24th, 2018, AND ON OR ABOUT DECEMBER 1ST, 2017.

C. I believe that defendant(s) *(check one)*:

- ☐ is/are still committing these acts against me.
- ☒ is/are not still committing these acts against me.

D. Defendant(s) discriminated against me based on my *(check all that apply and explain)*:

- ☒ race _____
- ☐ color _____
- ☐ gender/sex _____
- ☐ religion _____
- ☐ national origin _____
- ☐ age *(year of birth)* _____ *(only when asserting a claim of age discrimination.)*
- ☒ disability or perceived disability *(specify disability)*
PTSD, ANXIETY _____

E. The facts of my case are as follows. Attach additional pages if needed.

Pro Se 7 (Rev. 12/16) Complaint for Employment Discrimination

SEE ATTACHED PAPER.

(Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, or the charge filed with the relevant state or city human rights division.)

IV. Exhaustion of Federal Administrative Remedies

- A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on *(date)* JUNE 13th, 2018

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- B. The Equal Employment Opportunity Commission *(check one)*:

☐

has not issued a Notice of Right to Sue letter.

☒

issued a Notice of Right to Sue letter, which I received on *(date)* 06/19/2018 .

(Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.)

- C. Only litigants alleging age discrimination must answer this question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding the defendant's alleged discriminatory conduct *(check one)*:

☐

60 days or more have elapsed.

☐

less than 60 days have elapsed.

V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Pro Se 7 (Rev. 12/16) Complaint for Employment Discrimination

I'm asking for \$40,000 in actual damages. For the emotional distress I was feeling during after my employment, from a cause of neglect to have a reasonable accommodation, and for the discrimination because of my race and disability. I'm also asking for \$10,000 in punitive damages due to harm that I suffered mentally during and after my employment. I have great difficulty going to into this Walmart as it's the closest to my home when something is needed. I'm extremely humiliated if I have to shop this store.

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.


A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing:

7-26-18

Signature of Plaintiff



Printed Name of Plaintiff

Kayla A. Dattoma

B. For Attorneys

Date of signing:

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address

KAYLAA. DATTOMA

After slowly being forced to the back corner of the store to back infant stock every morning, and the way the management was treating me on day to day basis. Not mention a absence that was on my record from 11/19/17 that specifically I was told not to come by three people, one person being the Store Manager. I feel as though once I disclosed I have disability and was applying for a reasonable accommodation, they were slowly taking action to fire me, or force me to quit. Also I believe that, I was being paid for either Part Time work and working Full Time Hours, or paying low, because of my disability. The Night store assistant manager (Black) constantly spoke to me in a rude and demeaning way. I reported to WalMart's global ethics about this manger. I was on the schedule as a full time employee, however on the system I was part time, receiving part time pay. On December 1st, 2017, I requested a reasonable accommodation and got the process started.

December 24th, 2017, was my first day back, after being forced on a leave of absence, due to something I had no control over. Working on Christmas Eve is never something I would do ever again, and by 8am I approached the store manager and a ASM and expressed that I might needed to put in a two week notice, because how I was seeing they were working on slowly kicking the door very soon down the road. The store manger said, in a excited tone of voice, well since you aren't really on the schedule we will make today your last day. And I then said well I don't think it's right for you guys to now scramble to find people to hire for my position, and then she came right back at me, well since you aren't really the schedule, today is fine and it will be better for you. And they had me put my password in for something on the computer and I wasn't explained anything of what I was signing even though I asked, and I never completed my shift.

I requested a reasonable accommodation because, I wanted to be able to preform my job duties without issues. I was forced to resign on December 24th, 2017.

Kayla A. Dattoma

A handwritten signature in black ink, appearing to read 'Kayla A. Dattoma', with a long horizontal line extending from the end of the signature.

July 26th 2018